

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR W. COOPER,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.

Defendants.

No. C 02-03712 JSW

**ORDER DENYING WITHOUT
PREJUDICE PETITION FOR
WRIT OF MANDATE AND
DECLARATORY RELIEF**

On July 24, 2007, Pierre Lebon Hoffman filed a Petition for Writ of Mandate & Declaratory Relief In Order to Enforce Petitioner [*sic*] Rights Under the Settlement Agreement At 6 Section II(6) in Cooper v. State of California.

On June 12, 2007, the Court adopted in full a recommendation from Magistrate Judge Spero and it terminated continuing jurisdiction over enforcement of the Settlement Agreement in the *Cooper* case. Mr. Hoffman's current petition raises a number of issues relating to the implementation of the Kosher Diet program at California State Prison - Soledad, and also appears to raise issues pertaining to the Americans With Disabilities Act, the latter of which are beyond the scope of the Settlement Agreement in *Cooper*.

Accordingly, the Court DENIES WITHOUT PREJUDICE Mr. Hoffman's petition. If Mr. Hoffman seeks to challenge the Kosher Diet Program at California State Prison - Soledad, or any other claims, he may do so by re-filing his petition as a new case, in compliance with any exhaustion requirements that may apply to such claims, and shall either submit an application to proceed in forma pauperis or pay the requisite filing fees.

IT IS SO ORDERED.

Dated: July 25, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

COOPER,

Plaintiff,

v.

STATE OF CALIFORNIA, THE ET AL et
al,

Defendant.

Case Number: CV02-03712 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

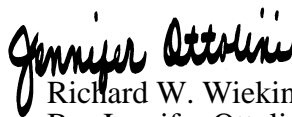
That on July 25, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: July 25, 2007



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk